

**REMARKS/ARGUMENTS**

The above-noted amendments to claims 2 and 3 are respectfully submitted in response to the official action dated February 22, 2008. These amendments merely delete the term "about" from these claims, and do not include any new matter therein. Therefore, entry of these amendments is respectfully solicited.

In addition, however, in view of the nature of the outstanding official action in this case and the amendments submitted herewith, it is respectfully submitted that all of the claims now pending in this application are in condition for allowance and such action is therefore respectfully solicited.

Claims 1, and 9-12 have been rejected on the basis of obviousness-type double patenting over claims 1, 4-6 and 9 of co-pending Application No.10/646,362. This is a provisional rejection because the claims in Application No. 10/646,362 have not been allowed, and thus no patent has issued based on this subject matter. It is therefore clear that a double-patenting rejection is inappropriate at this time in this present application, and reconsideration and allowance of the claims in this application are respectfully solicited. If and when the claims in Application No. 10/646,362 are in condition for allowance, any potential issue of double patenting can be considered in that application, but is deemed inappropriate in the present application.

Claims 2-4 have been rejected as being indefinite under 35 U.S.C. § 112. The Examiner has objected to the terminology "less than about" which appears in claims 2 and 3. However, in view of the above-noted amendments in those claims, and since the offending language is no longer contained in any of claims 2-4, it is respectfully submitted that these claims

are now in condition for allowance, and such action is also respectfully solicited.

Since the remaining claims in this application (namely, claims 5-8 and 13-15) are deemed to be directed to patentable subject matter, it is again submitted that all of the present claims now possess the requisite novelty, utility and unobviousness to warrant their immediate allowance, and such action is therefore respectfully solicited. If, however, for any reason the Examiner still does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any further objections thereto.

Finally, if there are any additional charges in connection with this amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 20, 2008

Respectfully submitted,

By 

Arnold H. Krumholz

Registration No.: 25,428

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant